

Minutes of the City of Frederick
Mayor and Board of Aldermen Regular Meeting

March 4, 2021
7:00 p.m.
Virtual Meeting

- I. Mayor Michael O'Connor presided. Participating were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson, Ben MacShane and Alderwoman Donna Kuzemchak. Also participating were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. There was no invocation.
- IV. There were no presentations.
- V. The minutes of the January 7, 2021 and January 21, 2021 Virtual Public Meetings were previously distributed. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board voted 5-0 to approve the minutes of the January 7, 2021 Regular Meeting. On a motion made by Alderman Shackelford and seconded by Alderwoman Kuzemchak the Board voted 5-0 to approve the minutes of the January 21, 2021 Regular Meeting.
- VI. The Mayor announced that a Closed Session had been held on February 19, 2021 and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.
- VII. Mayor O'Connor thanked the Board for their approval of Jason Lando as Chief of the Frederick Police Department, noting Chief Lando will begin his duties on March 8, 2021.
- VIII. During Aldermanic comments, Alderwoman Kuzemchak stated March is Women's History Month. She noted that women comprise half the population, yet historically have not received appreciation for their accomplishments. She stated she hopes the time is coming when men and women will truly be equal partners.

Alderman Russell welcomed Chief Lando and stated she is excited for his appointment and what he will bring to the City. She looks forward to everyone meeting him.

Alderman Wilson wished everyone a happy Women's History Month.

Alderman Shackelford also noted Women's History Month, stating it is right for women to receive recognition for their many contributions to the world. He also recognized Board members Russell and Kuzemchak for their service.

- IX. There were no public comments.
- X. Consent Agenda

A. Special Ordinance

Alderwoman Kuzemchak asked that item A.1 be pulled for discussion. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell, the Board approved 5-0 item A.1:

1. Special Ordinance S-21-04 to amend the FY 21 Budget for the use of fund balance in the Controlled Dangerous Substance Fund

B. Memorandum of Understanding

On a motion made by Alderman Russell and seconded by Alderman Shackelford the Board approved 5-0 consent agenda item B.1:

1. Approval of an Amendment to Agreement with Frederick County, Maryland regarding funding from the Coronavirus Relief Fund as established under the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act

XI. Public Hearing

1. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 a Memorandum of Understanding Concerning the Continuation of the Maryland School for the Deaf School Resource Officer Program. There were no public comments.
2. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 a request from Frederick Arts Council, Inc. to waive park rental fees for setup June 11 and the event dates of June 12 and June 13, 2021 for Frederick Festival of the Arts at Carroll Creek Park Amphitheater and Site C-2 Trellis, ¼ Sections of Park NW, SW, NE, Delaplaine North, Delaplaine and Galleria pursuant to Section 6-13 of the City Code, finding that this event provides benefits to the public and to the City by providing social, educational, networking and entertainment opportunities for adults and children, which also support local businesses and tourism and after considering these public benefits recognize that the waiver of fees does not have a negative impact on others, nor does such a waiver compromise fairness to other users. There were no public comments.
3. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 a request from Frederick Arts Council, Inc, to serve beer, wine, and alcohol at their June 12 and 13, 2021 Frederick Festival of the Arts at Carroll Creek Park Amphitheater and Site C-2 Trellis, ¼ Sections of Park NW, SW, NE, Delaplaine North, Delaplaine and Galleria pursuant to Section 6-19 of the City Code, finding that it is a special event of significance to the City by providing social, educational, networking and entertainment opportunities for adults and children and also supports local business and tourism, In addition the consumption of such beverages will not be contrary to the public interest. There were no public comments.
4. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 a request from Downtown Frederick Partnership to serve beer and wine at their Alive@5 outdoor happy hour events

on May 13, 20 & 27; June 3, 10, 17, 24; July 1, 8, 15, 22, 29; August 5, 12, 19, 26; September 2, 9, 16, 23, 30 at Carroll Creek Park Amphitheater and Site C-2 for a total of twenty one dates pursuant to Section 6-19 of the City Code, finding that the consumption is not contrary to the public interest as the event takes place in a cordoned off section of the park and serves as a fundraiser for the Downtown Frederick Partnership. There were no public comments.

5. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 an additional purchase of thirteen Axon Body 3 body worn cameras, related equipment and Evidence.com licensing for five years, in the amount of \$76,742.95 pursuant to the City's Master Services and Purchasing Agreement with Axon Enterprise, Inc. There were no public comments.
6. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 Resolution 21-01 to extend the deadline for adoption of the 2020 Comprehensive Plan. There were no public comments.
7. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 Resolution 21-02 regarding the Policies and Procedures Handbook for Employees of the City of Frederick concerning compensatory time for exempt employees and vacation time. There were no public comments.
8. On a motion made by Alderwoman Kuzemchak and seconded by Alderman MacShane the Board approved 5-0 an Agreement of Purchase and Sale with Northpoint Investments I, LLC in the amount of \$4,300,000 for Monocacy Boulevard Parcels E and F, containing 27.28 acres of excess City-owned land. There were no public comments.
9. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 Ordinance G-21-03 for the rezoning of 2.69 acres located at 423A, 423B, and 423 ½ East Patrick Street to the floating zone designation of Mixed Use (MU-2) and the expansion of the Carroll Creek Overlay (CCO) district over 1.87 acres of the same land area, finding that:
 - generally, the proposed land uses, buildings and structures are compatible with each other and with surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the City of Frederick, and all other applicable requirements have been met,
 - it follows the comprehensive plan,
 - with respect to the Carroll Creek Overlay, the rezoning will further the purpose of the CCO by subjecting development on the properties which are in close proximity to Carroll Creek.

There were no public comments.

10. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson, the Board approved 5-0 Resolution 21-03 for the approval of the Master Plan PC20-94MU for Wayside Apartments at 423A, 423B, and 423 ½ East Patrick Street to construct 81 multifamily residential units, finding that it:
 - complies with the standards established in §§ 310, 417, and 1115 of the Land

Management Code.

- is consistent with the goals and objectives of the 2010 Comprehensive Plan,
- meets all other applicable requirements.

There were no public comments.

11. On a motion made by Alderwoman Kuzemchak and seconded by Alderman MacShane the Board approved 5-0 Ordinance G-21-04 to revise the FY 21 Authorized Position Schedule to include new positions for the Housing Division under the Department of Housing and Human Services. There were no public comments.

- XII. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 the appointment of Timothy Michael to the Historic Preservation Commission to complete a term expiring November 21, 2022.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman MacShane the Board approved 5-0 the appointment of Iva Saller to the Historic Preservation Commission to complete a term expiring September 20, 2021.

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 the reappointment of John Thomas to the Bicycle Pedestrian Advisory Committee for a three-year term of March 5, 2021 to March 4, 2024.

On a motion made by Alderman MacShane and seconded by Alderwoman Kuzemchak the Board approved 5-0 the reappointment of James Baker to the Sustainability Committee for a three-year term of March 5, 2021 to March 4, 2024.

On a motion made by Alderman MacShane and seconded by Alderwoman Kuzemchak the Board approved 5-0 the reappointment of Katey Grogan to the Sustainability Committee for a three-year term of March 8, 2021 to March 7, 2024.

On a motion made by Alderman MacShane and seconded by Alderman Shackelford the Board approved 5-0 the reappointment of Alyssa Siebert to the Sustainability Committee for a three-year term of March 18, 2021 to March 17, 2024.

On a motion made by Alderman MacShane and seconded by Alderman Shackelford the Board approved 5-0 the reappointment of Will Cotton to the Sustainability Committee for a three-year term of March 8, 2021 to March 7, 2024.

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved a correction to the term of John Stroka on the Excessive Use of Police Services Committee to January 22, 2021 to January 21, 2024.

- XIII. There were no additional Aldermanic comments.

- XIV. Mayor O'Connor stated that the following day would mark the anniversary of the first COVID deaths in Maryland. The City, County, and State will be lighting public buildings in amber light to honor those who have lost their lives to the pandemic. He went on to ask patience from the public as the vaccine program progresses.

XV. There were no committee reports.

XVI. There were no director reports.

XVII. There were no public comments.

There being no further official business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Phyllis Hane
Legislative Clerk